

**Court No. - 16**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 3055 of 2023

**Applicant :-** Mohammad Faiyyaz

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Home Civil  
Sectt. Lko

**Counsel for Applicant :-** Shailendra Kumar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Shailendra Kumar Shukla, the learned counsel for the applicant as well as Sri Virendra Kumar, the learned Additional Government Advocate appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 129 of 2023, under Sections 308, 323, 504, 506 IPC, Police Station Hardi, District Bahraich.
3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 14.03.2023 at 03:47 hrs. against five persons, including the applicant, stating that the accused persons had abused and assaulted the informant's brother due to which he fell unconscious and was admitted in a hospital.
4. In the statement of the victim recorded by the Investigating Officer, he stated that all the accused persons had beaten him up with sticks and belts due to which he fell unconscious and he regained consciousness in the hospital.
5. The medico legal examination report of the victim mentions a contused lacerated wound on his head, bleeding from ear, nose and throat and that he was vomiting.
6. In the statement of the doctor, he stated that the injured had received several injuries and he regained consciousness after treatment. His blood pressure had fallen low and he was vomiting after regaining consciousness.
7. Having considered the facts and circumstances of the case, I am of the view that the applicant does not deserve to be granted discretion of this court by granting pre-arrest bail to him.

8. The anticipatory bail application is ***rejected*** accordingly. However, in case the applicant files an application for grant of bail, the same shall be considered and decided on its merits, without being influenced by any observations made in this order.

**Order Date :- 22.12.2023**

Pradeep/-